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Letter dated 29 October 2018 from the Secretary-General addressed to the President of the Security Council

Pursuant to the request of the Security Council in its resolution 2409 (2018), concerning the situation in the Democratic Republic of the Congo, I have the honour to submit the 30-day update, covering the period from 29 September to 26 October 2018, on political and technical progress towards the holding of elections on 23 December 2018 and obstacles to the implementation of the 31 December 2016 political agreement (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) António **Guterres**

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Annex

Update of the Secretary-General on progress in the electoral process and implementation of the 31 December 2016 political agreement in the Democratic Republic of the Congo, 26 October 2018

1. The present update, which covers developments in the Democratic Republic of the Congo from 29 September to 26 October 2018, is submitted pursuant to resolution 2409 (2018), in which the Security Council requested the Secretary-General to provide a written update every 30 days on political and technical progress towards the holding of elections on 23 December 2018 and on obstacles to the implementation of the 31 December 2016 political agreement.

I. Key political developments related to the electoral process and the implementation of the political agreement

2. Political developments were marked by ongoing preparations for the 23 December elections. Following the publication, on 19 September, of the final list of candidates for the presidential and national legislative elections, political parties and groupings have been gearing up for participation in the upcoming polls.

3. Subsequent to the invalidation of the presidential candidacies of some opposition leaders, as well as the inability of Moïse Katumbi of Ensemble pour le changement to submit his candidacy, opposition parties strove to define a joint programme and to rally behind a single presidential candidate. Those efforts culminated in a political rally in Kinshasa, organized on 29 September by the leaders of seven opposition parties, namely Adolphe Muzito of Unis pour la République, Félix Tshisekedi of Union pour la démocratie et le progrès social, Freddy Matungulu of Congo Na Biso, Jean-Pierre Bemba of Mouvement de libération du Congo, Martin Fayulu of Engagement pour la citoyenneté et le développement and Moïse Katumbi and Vital Kamerhe of Union pour la nation congolaise. The leaders called for the timely holding of elections on 23 December, but strongly rejected the use of the voting machines and requested a further review of the voter registry to examine why 16 per cent of voters had been registered without fingerprints. The opposition leaders also declared their commitment to presenting a single presidential candidate in the upcoming elections.

4. Many civil society organizations also expressed reservations about the voting machines. In a communiqué dated 5 October, the Comité laïc de coordination announced the launch of an information and sensitization campaign to challenge the use of the voting machines, highlighted the need to revise the voter registry and warned of the risk of post-electoral chaos. That same day, the Episcopal Conference of the Democratic Republic of the Congo encouraged the Government to implement the confidence-building measures contained in the 31 December 2016 political agreement and urged the Independent National Electoral Commission to find a consensus on the contentious issues surrounding the electoral process. In a similar vein, the President of the National Council for Monitoring the Agreement and the Electoral Process, Joseph Olenghankoy, met with key national stakeholders to advocate for consensus on the voting machines and the voter registry.

5. On 4 October, the Independent National Electoral Commission held a meeting with the 21 presidential candidates or their representatives to exchange information and views on the electoral process. The President of the Commission, Corneille Nangaa, assured the participants that the Commission would take steps to address the

concerns that were raised, including by providing support to political parties for the training of their electoral observers on the use of the voting machines. Participants agreed to pursue efforts through a technical commission to address points of disagreement.

6. A follow-up meeting was held on 10 October between the Commission and political interlocutors. However, no consensus was reached on the terms of reference for the activities of the technical commission. Following this meeting, presidential candidates Félix Tshisekedi, Freddy Matungulu, Martin Fayulu and Vital Kamerhe issued a statement reiterating, inter alia, their concerns about the voting machines and the voter registry and warning against a constitutional void if the elections were not held on 23 December. Subsequently, in a declaration issued on 11 October on behalf of the Congolese political opposition, Mr. Muzito, Mr. Tshisekedi, Mr. Matungulu, Mr. Bemba, Mr. Fayulu, Mr. Katumbi and Mr. Kamerhe reiterated their determination to participate in credible, transparent and inclusive elections on 23 December, condemned "the contemptuous attitude" of the President of the Commission and called upon the Congolese people to mobilize and demand the use of paper ballots in lieu of the voting machines. In a statement dated 15 October, another nine presidential candidates, Jean-Philibert Mabaya, Joseph Mba Maluta, Marie-Josée Ifoku, Tryphon Kin-Kiey Mulumba, Noël Tshiani, Radjabho Tebabho Soborabo, Seth Kikuni, Sylvain Masheke and Théodore Ngoy, also called for the non-use of voting machines, an audit of the procurement process of the machines and the removal from the voter registry of all voters without fingerprints.

7. On 19 October, the President of the Democratic Republic of the Congo, Joseph Kabila, chaired a meeting with government officials, members of Parliament, the National Council for Monitoring the Agreement and the Electoral Process and the Independent National Electoral Commission to discuss progress made in the electoral process.

8. Meanwhile, the Front commun pour le Congo geared up its activities in support of its presidential candidate, Emmanuel Ramazani Shadary. On 1 October, Mr. Ramazani Shadary returned from a visit to South Africa, where he met with the President of South Africa, Cyril Ramaphosa, senior government officials and the leadership of the African National Congress to discuss, among other issues, the ongoing electoral process in the Democratic Republic of the Congo.

II. Key electoral developments related to the implementation of the political agreement

A. Electoral developments

9. The display of provisional voter lists started on 3 September at some branches of the Independent National Electoral Commission and was progressively extended to all branches for a period of 30 days. However, owing to technical constraints, not all 171 branches published the provisional lists, and roll-out at the polling centres was slow. On 4 October, the Vice-Prime Minister and Minister of the Interior, Henri Mova Sakanyi, held a meeting on the participation of women in the electoral process, during which he committed to enhancing security for women candidates.

10. On 4 October, the Commission received 20 containers with approximately 11,900 voting machines that had been delivered to the port of Matadi. The Commission stated that the remaining voting machines were expected to arrive in multiple shipments at the ports of Matadi, Dar es Salaam (United Republic of Tanzania) and Mombasa (Kenya) by 5 November. The Vice-President of the Commission announced on 12 October that the Government had disbursed an

additional $56 million to the Commission, bringing the total amount disbursed to more than $300 million out of the $432 million budgeted for the elections.

11. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) continued to provide technical assistance to the Commission. Through its field sections covering 18 of the 26 provinces, the Mission provided advisory support to the Commission in the areas of warehousing, data management and development and implementation of training strategies and procedures for 440,000 polling staff. MONUSCO also assisted the Commission in supporting the participation of women and put in place training modules on networking and ways to strengthen the communication skills of female candidates.

B. Restrictions on political space and violence related to the implementation of the political agreement in the electoral context

12. Restrictions on democratic space continued, with some exceptions. Several public events were banned by the Congolese authorities, and several cases of arbitrary arrests and intimidation relating to the exercise of fundamental freedoms were reported.

13. A demonstration organized by the Lutte pour le changement on 1 October in Kananga, Kasai Central, and an opposition rally held in Kinshasa on 29 September took place peacefully. The Episcopal Conference of the Democratic Republic of the Congo commended the peaceful demonstration in Kinshasa as a positive and encouraging sign. However, on 13 October in Lubumbashi, Haut-Katanga, local authorities, citing security concerns, reversed their initial decision to allow a rally by Ensemble pour le changement.

14. Meanwhile, opposition and civil society groups denounced the misuse of State resources, including the media and security services, for pre-campaign purposes by the Majorité présidentielle, as provincial authorities reportedly supported outreach activities in favour of the Front commun pour le Congo.

15. Restrictions on freedom of expression remained a source of concern, with new incidents documented. On 29 and 30 September, journalists were intimidated in Bukavu, South Kivu, and in Kisangani, Tshopo, while exercising their functions. Furthermore, access to media remained restricted, and in Lisala, Mongala, authorities reportedly suspended programmes produced by local radio stations allegedly affiliated to the political opposition.

C. Confidence-building measures

16. No meaningful progress was made in the implementation of the confidence-building measures contained in the 31 December 2016 political agreement. According to the United Nations Joint Human Rights Office, no political prisoners from among the cases mentioned in the agreement were released and at least 130 political prisoners remained in detention, including civil society activists and human rights defenders. In contrast, the Government claimed that no political prisoners remained in custody and asserted that some political actors were serving sentences for criminal convictions. On 10 October, the trial of Moïse Katumbi on charges of recruiting mercenaries resumed at the Court of Cassation but was subsequently suspended on procedural grounds.

III. Good offices efforts for the implementation of the political agreement

17. During the period under review, my Special Representative held separate meetings with several presidential candidates to encourage constructive participation in the electoral process. In the same vein, she met with the Chief of Staff of the President and the Chair of the Strategic Committee of the Front commun pour le Congo, Néhémie Mwilanya Wilondja, and held consultations with Ambassadors of the Southern African Development Community who were based in Kinshasa. Discussions with these stakeholders revolved, inter alia, around building confidence in the electoral process with a focus on ways to resolve disagreement over the voting machines, the integrity of the voter registry and implementation of the confidence-building measures envisaged in the 31 December 2016 political agreement.

18. At the regional level, my Special Envoy for the Great Lakes Region continued to engage key signatory countries of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region in support of the country's political and electoral process.

19. Regional organizations also continued to pursue advocacy efforts. At the ninth meeting of the Regional Oversight Mechanism of the Framework, held in Kampala on 8 October, Heads of State of the region "encouraged the Government of the Democratic Republic of the Congo and all concerned national stakeholders to continue with their efforts to create conducive conditions for credible, inclusive and peaceful elections on 23 December, in full respect of the 31 December 2016 agreement". At the invitation of Congolese authorities, the African Union Commission and the Southern African Development Community are preparing to deploy electoral observers.

IV. Observations

20. I welcome the steady progress made in the implementation of the electoral calendar and the fact that all national stakeholders are actively engaged in the electoral process, in the spirit of the 31 December 2016 political agreement. This reflects the genuine aspiration of the Congolese people to choose their leaders in credible and peaceful elections on 23 December 2018, culminating in the country's first ever democratic handover of power.

21. I am concerned by the level of distrust felt by civil society actors and opposition parties regarding the electoral management bodies and key elements of the electoral process, as demonstrated by their rejection of the voting machines and lack of confidence in the voter registry, both of which have become a rallying point for the opposition. I welcome the consultations between the Independent National Electoral Commission and the presidential candidates that began on 4 October. I remain convinced that common ground can be found through dialogue and I urge all national stakeholders to put their partisan interests aside and work towards building a consensus on the way forward.

22. Equally worrying are reports of continued restrictions imposed by the Government on the political space, of intimidation of political activists and human rights defenders and of their lack of access to public media. These constraints work against the creation of a conducive environment for credible and peaceful elections. I commend the restraint demonstrated by opposition party activists and the security services during the opposition meetings of 29 September in Kinshasa and stress that this should be the norm. I therefore reiterate my call upon the national authorities to

lift the general ban on public demonstrations and uphold the rights of Congolese citizens to freedom of expression and peaceful assembly.

23. With the elections less than two months away, the process has entered a critical phase. Trust in the fairness of the process and the credibility of the polls are key prerequisites for acceptance of the results. There is an urgent need for meaningful action to build confidence among key stakeholders, in line with the provisions of the 31 December 2016 political agreement. The release of political prisoners and prisoners of opinion would be a positive development in this regard. In this context, I encourage regional actors to continue supporting the political and electoral process in the Democratic Republic of the Congo and to remain engaged in the post-electoral period.

24. I respect the commitment of the Congolese authorities to fully funding the electoral process from national resources and call upon them to ensure that disbursements to the Independent National Electoral Commission are made in a timely and transparent manner. I reiterate the readiness of the United Nations to provide technical and logistical support for the upcoming polls, as mandated by the Security Council.

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